# CUMULATIVE AUTHOR INDEX TO ARTICLES

Vols. 1 and 2


AUMANN, F. R. ..... *Where To With Stare Decisis?* ..... 1–169
CALLAHAN, CHARLES ..... *Statutory Protection of Creditors in Reduction of Capital Stock* ..... 2–220
DARGUSCH, CARLTON S. ..... *Economic and Legal Aspects of the Sales Tax* ..... 1–192
DARGUSCH, CARLTON S. ..... *The Ohio Use Tax* ..... 2–115
DAWSON, WILLIAM W. ..... *Appellate Review of a Declaratory Judgment* ..... 1–63
GREEK, DAROLD I. ..... *The Ohio Use Tax* ..... 2–115
FREIFIELD, SAMUEL ..... *Rationale of Punitive Damages* ..... 1–5
HARRIS, SILAS A. ..... *New Appellate Procedure in Ohio* ..... 1–186
HARRIS, SILAS A. ..... *Proposed Changes in Pleading and Practice* ..... 1–70
HUNTER, ROBERT M. ..... *Law in the Jury Room* ..... 2–1
HYMAN, HARRIET S. ..... *The Use of Blood Tests for Disputed Paternity in the Courts of Ohio* ..... 2–203
MARTIN, ARTHUR T. ..... *The President's Reemployment Agreement* ..... 1–155
ROYCE, JAMES EMMET ..... *Defamation via Radio* ..... 1–180
SHOCKNESSY, JAMES W. ..... *The Home Owners Loan Corporation* ..... 1–77
SMITH, ALPHEUS W. ..... *Physics As a Way of Thinking* ..... 2–241
SNYDER, LAURENCE H. ..... *The Use of Blood Tests for Disputed Paternity in the Courts of Ohio* ..... 2–203
TUTTLE, ALONZO H. ..... *History of the Executive Veto in the Ohio Constitution* ..... 2–99
TUTTLE, ALONZO H. ..... *The Recent A.A.A. Decision* ..... 2–122
WALKER, HARVEY ..... *County Home Rule in Ohio* ..... 1–11


●

# CUMULATIVE INDEX TO BOOK REVIEWS

Vols. 1 and 2


BOGERT, GEORGE GLEASON ... *Trusts and Trustees* — Harry W. Vanneman 2–80
GOODHART, A. L. ..... *Precedent in English and Continental Law* ..... Donald J. Hollingsworth 2–199
HOGBIN, H. IAN ..... *Law and Order in Polynesia* — E. S. Kaufman 2–82
POLLARD, JOSEPH P. ..... *Mr. Justice Cardozo* — Donald J. Hollingsworth 2–85
ROBINSON, EDWARD S. ..... *Law and the Lawyers* — Donald J. Hollingsworth 2–197
WAITE, JOHN BARKER ..... *Criminal Law in Action* — Paul W. Hughes 2–87

# TABLE OF CASES

Cumulative Index, Vols. 1 and 2


Aetna Ins. Co. v. Baldwin Country Building & Loan Ass'n. . . . . 2–168

Berkowitz v. Winston . . . . . 1–315
Board of Ed. v. Boehm . . . . . 2–151
Boothe v. Clark . . . . . 1–322

Cannon, Jr. v. Miller Rubber Co. . . . 1–274
Canton Provision Co v. Gauder . . . . 2–180
Central Greyhound Lines, Inc v. State Automobile Mutual Life Ins. Co. . 1–135
City of Lincoln, Neb. et al. v. L. A. Ricketts, Trustee, Etc. . . . . 2–279
Cleveland Electric Illuminating Co. v. O'Conner, et al. . . . . 2–54
Cleveland Ry. Co. v. Owens . . . . . 2–313
Coleman Inc. v. Winters Natl. Bank & Trust Co. . . . . 2–67

Dowd-Feder, Inc. v. Truesdell . . . . . 2–318
Doyle v. Yoho Hooker Youngstown Co. . . . . 2–287

Ebersole Co. v. Payten . . . . . 2–170
Ehrhart v. E. Coslett, Exr. . . . . 2–74

Ferger v. Ferger . . . . . 2–49
Fulton v. The University of Dayton . 1–128

Gahagen Co. v. Smith . . . . . 1–278
Gumley, Adm'r. v. Cowman . . . . . 1–284

Hartford Accident & Indemnity Co. v. Coggin . . . . . 2–276
Hathaway v. Jones . . . . . 1–137
Hawke, Adm'r. v. Murray . . . . . 2–51
Hewitt v. Klein, et al. . . . . 2–46
Hodapp v. Olaff . . . . . 1–131
Holloway v. Holloway . . . . . 2–157
Hutchinson v. Evans . . . . . 2–305

Industrial Commission v. Armacost . . 1–317
Industrial Commission v. Arnold . . . . 2–325
Industrial Commission v. Gintert . . . 1–320

Jackson v. Copelan . . . . . 2–164

Koeninger v. Toledo Trust Co. . . . . 2–72

Lord v. Boschert . . . . . 1–311

Mabley & Carew Co. v. Lee, a minor 1–144
Markowitz v. The Dry Cleaners Union, et al. . . . . 2–301
McSwain v. Washington Fidelity Nat. Ins. Co. . . . . 2–166
McWilliams et al. v. The Central Trust Co. et al. . . . . 2–292
Metropolitan Life Insurance Co. v. Huff . . . . . 1–271
Michigan State Industries v. Fischer Hardware Co. . . . . 2–63
Miller v. Trummer, Adm'x. . . . . 2–187
Morrissey, Adm'r. v. Smith, Gdn. et al. . . . . 1–126
Mutual Benefit Life Ins. Co. v. McGhee . . . . . 2–301

Ohio Power Co. v. Davidson . . . . . 1–292

Palmer Clay Products v. Brown . . . . . 2–276
Parker v. Wheeler et al. . . . . 1–49
Petransky v. Repository Pub. Co. . . . . 2–291
Porter, Ex'r. v. Lerch . . . . . 2–48
Prudential Ins. Co. of America v. Phillips . . . . . 2–176

R.K.O. Midwest Corp. v. Berling . . . 2–303
Ragland v. First National Bank of Cincinnati . . . . . 1–308
Sack v. A. R. Nunn & Son et al. . . . . 1–276
Savoy Realty Co. v. McGee . . . . . 2–301
Senior v. Braden . . . . . 2–321
Shinnick, In re Estate of . . . . . 2–77
Smith v. Fulton, Supt. of Banks . . . . 2–173
Stahl, ex parte . . . . . 1–303
State, ex rel. Howland v. Krause . . . 2–308
State, ex rel. Jones v. Dern . . . . . 1–47
State, ex rel. Shube v. Beck . . . . . 1–123
State ex rel. Singer et al. v. Cartledge, City Auditor . . . . . 2–56
Swaboda v. Brown . . . . . 2–184
Syndicate Parking, Inc. v. General Exchange Ins. Corp., et al. . . . . 2–61

Talaba v. Auld . . . . . 2–194
Tate v. Eidelman . . . . . 1–59
Turk v. State . . . . . 2–44

Ulmer v. Fulton, Supt. of Banks . . . . 2–192
Universal Concrete Pipe Co. v. Bassett . . . . . 2–315

Village of Brewster v. Hill . . . . 1–55; 280

Weisant v. The Indianapolis Life Insurance Co. . . . . 1–51
Weller, Ex'r. v. Worstall . . . . . 2–150
Werner v. Rowley . . . . . 1–297
Whitehead, Adm'r. v. Parsons . . . . . 1–141
Whiting v. Bertram . . . . . 2–189
Winter's National Bank & Trust Co. v. Midland Acceptance Corp. 1–287; 289

# SUBJECT MATTER INDEX

Volumes 1 and 2, Cumulative


AGENCY
Agent for single undertaking....1-276
Establishment of relation.....1-276
Independent contractor contrasted.2-325
Liability for act of agent of independent contractor.....1-276
Liability of agent on corporation note.....1-274
Liability of employee of independent contractor.....2-54
Liability where agent immune to suit.....1-271
Misstatement by agent in application for insurance.....2-166
Non delegable duty, inherent danger.....2-54
Scope of employment.....1-278, 276
Termination of non-exclusive authority.....1-51

APPEAL AND ERROR
Modification of criminal verdict by appellate court.....2-44
Motion to certify.....1-280
Right of state to review in criminal cases.....1-93

APPELLATE PROCEDURE
New Ohio Act.....1-186
Review of declaratory judgment..1-63

ARBITRATION
Constitutionality of Ohio Act....1-82

ATTORNEY AND CLIENT
Designation of attorney in will...2-77

BAILMENTS
Liability of parking-lot owner....2-61

BANKS AND BANKING
Augmentation of assets by cash items.....1-128

BANKRUPTCY
Farmer, definition of.....2-282
Pre-bankruptcy claims.....1-141
Preferences, time of determination 2-276
Priority of municipal corporations.2-279
Right of creditor to sue after trustee appointed.....1-287

BLOOD GROUP TESTS
Admissibility.....1-47
Use in Ohio courts.....2-203

BULK SALES
Chattel Mortgages.....1-289

CAPITAL
Attitude of Supreme Court on capital-labor issues.....1-102

CHATTEL MORTGAGES
Bulk sales act.....1-289

CONDITIONAL SALES
Recording.....2-287
Vendee's receiver, priority in unrecorded sale.....2-287

CONSTITUTIONAL LAW
A.A.A. decision.....2-122
Constitutionality of Ohio Arbitration Act.....1-82
Executive veto in Ohio.....2-99
Interstate commerce, sales tax....2-260
Milk business as affected with public interest.....1-29
Municipal corporations, powers vested in county.....2-308
Power over navigable waters.....2-32
Religious freedom, flag salute....2-151
Reserved powers of states.....2-122
Right to jury trial.....2-44
Tennessee Valley Authority.....2-32

CONSTRUCTIVE TRUSTS
Murder of joint owner.....1-131

CONTRACTS
Liability of infant on contract to lease.....2-46
President's reemployment agreement.....1-155

CORPORATIONS
Capital stock reduction, protection of creditors.....2-220
Corporation notes, liability of agent.....1-274
Receiver by consent.....2-63

COUNTIES
Home Rule in Ohio.....1-11
Vesting of municipal powers in...2-308

COURTS
Attitudes of Supreme Court on capital and labor.....1-102
Conduct of jury in jury room....2-1

Modification of criminal verdict on appeal ..... 2–44
Rule making power ..... 1–123
Syllabus as law of case ..... 7–167
Unofficially reported case as authority ..... 1–135

CRIMINAL LAW
Modification of verdict on appeal . 2–44

CRIMINAL PROCEDURE
Jurisdiction of justice of peace in misdemeanor cases ..... 1–303
Right of state to review ..... 1–93

DAMAGES
Rationale of punitive damages .... 1–5

DEATH
Finding of time of death of presumed decedent ..... 2–176
Conclusiveness of finding of date, presumed decedent ..... 1–126

DECEDENTS ESTATES
Liability for interest for unreasonable delay ..... 2–51

DECLARATORY JUDGMENT
Appellate review ..... 1–63

DEFAMATION
Liability of radio station ..... 1–180
Libel by publication of picture .... 2–291

DESCENT
Inheritance by murderer ..... 1–131

DIVORCE
Alimony in saparation agreement incorporated in decree ..... 2–157
Desertion as gross neglect of duty . 2–48
Modification of divorce decree based on agreement ..... 2–49

DOMESTIC RELATIONS (See Divorce, Husband and Wife, Infants)
Alimony in separation agreement incorporated in divorce decree .. 2–157
Contempt, failure to pay alimony . 2–157
Desertion as gross neglect of duty . 2–48
Modification of divorce decree based on agreement ..... 2–49

DOWER
In perpetual leasehold ..... 1–308
Merger of legal and equitable interests ..... 1–308
Purchase money mortgages ..... 2–305

EDUCATION
Power of board to compel flag salute ..... 2–151

EQUITY
Jurisdiction to appoint receiver by consent ..... 2–63
Murderer as constructive trustee .. 1–131
Protection of Rights of Personality by injunction ..... 1–59
Statutory interpleader ..... 2–170

EVIDENCE
Admissibility of former testimony where witness unavailable ..... 1–311
Blood group tests ..... 1–47
Blood tests as proof of non-paternity ..... 2–203
Burden of proof, probate and contests ..... 2–292
Hearsay, exception for prior testimony ..... 1–311
Judicial notice of ordinance ..... 2–164
Privity, testimony in prior suit, hearsay, exception ..... 1–311
Testimony at former trial, necessity of privity ..... 1–311

EXEMPTION
Workmens compensation award ... 2–194

FLAG SALUTE
Constitutionality of requirement .. 2–151

FRAUDS, STATUTE OF
Unique services ..... 1–137

FRAUDULENT CONVEYANCES
Suit after debtors bankruptcy ..... 1–287

GIFTS
Imperfect, as trusts ..... 2–74

HOME OWNER'S LOAN CORPORATION . 1–77

HUSBAND AND WIFE (See Divorce, Domestic Relations)
Liability of husband's employer for injury to wife ..... 1–271

INFANTS (See Domestic Relations)
Liability for breach of contract to lease ..... 2–46

INITIATIVE
Municipal Utility ..... 1–292
Repeal of initiated ordinance ..... 2–56

INJUNCTION
Protection of rights of personality 1–59

INSOLVENT ESTATES
Augmentation of assets by cash items ..... 1–128
Receivership, remedy at law not exhausted ..... 2–63

INSURANCE
Determination on voir dire ..... 2–318
Misstatement by agent in application ..... 2–166
Mortgagee's right ..... 2–168
Right to terminate non-exclusive authority ..... 1–51

INTEREST
Delay as ground for ..... 2–51

INTERPLEADER
Restrictions on statutory interpleader ..... 2-170

JOINT ESTATES
Murderer's right to survivorship .. 1-131

JUDICIAL NOTICE
Ordinances ..... 2-164

JURIES
Law in jury room ..... 2-1

JUSTICE OF PEACE
Jurisdiction in misdemeanors ..... 1-303

LABOR
Attitudes of Supreme Court on capital-labor issue ..... 1-102

LABOR LAW
Anti-trust act, picketing as violation ..... 2-301
Collective bargaining under New Deal ..... 1-214
National labor board and national labor relations board ..... 1-214
President's reemployment agreement ..... 1-155
Trade dispute, right to picket .... 2-301

LANDLORD AND TENANT
Breach of covenant to repair, landlord's tort liability ..... 1-315
Landlord's tort liability to tenant's invitee ..... 1-315
Liability of infant on contract to lease ..... 2-46
Tort liability to tenant's invitee .. 2-303

LEGAL PHILOSOPHY
Pareto and legal science ..... 2-133
Physics as a way of thinking ..... 2-241

LEGISLATION
Declaration of emergency ..... 1-40
Unicameral body ..... 1-121
Moratory acts ..... 1-33
New Ohio Appellate Practice Act . 1-186
Ohio Guest Act ..... 2-20
Ohio Mechanics' Lien Law ..... 1-198
Ohio pleading and practice statutes 1-70
Protection of corporation creditors, reduction of stock ..... 2-220
Review of Ohio legislation of 1933-4 ..... 1-24

LIBEL
Defamation by radio ..... 1-180
Publication of picture ..... 2-291

MASTER AND SERVANT
Liability for act of another's servant hired for single occasion ... 1-276
When relation exists ..... 1-276

MECHANICS' LIEN
Ohio statute ..... 1-198

MORTGAGES
Foreclosure against estate of deceased mortgagor ..... 2-42
Mortgagee's right to insurance ... 2-168
Personal representative as party to foreclosure against property of estate ..... 2-42
Purchase money, dower in ..... 2-305
Right of surety's mortgagee to exoneration from principal ..... 1-49

MUNICIPAL CORPORATIONS
Amendment to initiated ordinances 2-56
Bankruptcy, priority in ..... 2-279
Initiative, municipal utility ..... 1-292
Pledge of receipts as indebtedness . 1-55
Power to incur debt ..... 1-55
Powers, vesting in county ..... 2-308
Repeal of initiated ordinance ..... 2-56

NATIONAL INDUSTRIAL RECOVERY ACT
President's reemployment agreement ..... 1-155

NATIONAL LABOR RELATIONS ACT
Collective bargaining ..... 1-214

NEGLIGENCE
"Assured clear distance ahead" ... 1-284
Intoxication, negligence per se .... 2-313
Liability of bailee, parking lot owner ..... 2-61
Liability of motorcycle policeman . 2-184
Proximate cause ..... 2-187
Res ipsa loquitur ..... 2-150
Rights of injured automobile passenger ..... 2-150
Violation of statute, negligence per se ..... 2-184
Wanton misconduct ..... 2-315

NEGOTIABLE INSTRUMENTS
Liability of agent on corporation note ..... 1-274
Set-off as a defense ..... 2-173

PARTICIPATION TRUSTS
Purchase of certificates ..... 2-192

PARTIES
Personal representative as party to foreclosure against property of estate ..... 2-42

PHYSICS
Physics as a way of thinking ..... 2-241

PICKETING
Anti-trust act ..... 2-301
Trade dispute, necessity ..... 2-301

PLEADING
Proposed changes in pleading and practice ..... 1-70
Set-off, banker and depositor ..... 2-67
Set-off as a defense under N.I.L. . 2-173

PLEADING AND PRACTICE
Proposed changes in Ohio statute. 1–170

PRACTICE
Modification of divorce decree based on agreement ..... 2–49
Proposed changes for pleading and practice ..... 1–70
Voir dire examination, automobile insurance ..... 2–318

PRESUMPTION
Death, finding of date ..... 1–126

PROBATE PRACTICE
Burden of proof, application for probate ..... 2–292
Representative as party to foreclosure ..... 2–42
Finding time of presumed decedent's death ..... 2–176
Time of death of presumed decedent ..... 1–126

RADIO
Defamation by ..... 1–180

REAL PROPERTY
Rule against perpetuities ..... 2–189

RECEIVERS
Action in foreign jurisdiction .... 1–322
Appointment, remedy at law not exhausted ..... 2–63
Collateral attack against appointment ..... 2–63
Foreign ..... 1–322
Jurisdiction by consent of insolvent ..... 2–63
Power of corporation to consent to appointment ..... 2–63

RECORDING
Conditional sale, priority of vendee's receiver ..... 2–287

REPORTS
Unofficially reported case ..... 1–135

RIGHTS OF PERSONALITY
Protection by injunction ..... 1–59

RULE MAKING POWER OF COURTS ... 1–123

SALES (See Conditional Sales)
Bulk sales, chattel mortgages ..... 1–289
Privity of contract in implied food warranties ..... 2–180

SALES TAX
Economic and legal aspects ..... 1–192

SET-OFF AND COUNTERCLAIM
Between banker and depositor .... 2–67

STARE DECISIS
Trends in doctrine ..... 1–169

STATUTES
Exemptions, express and implied .. 2–184
Violation as negligence per se .... 2–184
2–187

STATUTE OF FRAUDS
Unique services ..... 1–137

SURETYSHIP
Right of surety's mortgagee to exoneration from principal ..... 1–49

TAXATION
Cestui's interest in trust ..... 2–321
Federal tax as burden on state instrumentalities ..... 1–248
Federal tax on admissions to state university athletic events ..... 1–248
Ohio sales tax ..... 1–192
Ohio use tax ..... 2–115
Sales tax and interstate commerce . 2–260

TORTS (See specific torts)
Immunity of employer from common law action ..... 1–317

TRUSTS
Augmentation of assets ..... 1–128
Constructive trusts ..... 1–131
For upkeep of graves ..... 2–189
Gifts for charitable purposes ..... 2–189
Imperfect gifts as ..... 2–74
Incorporation of amendable trust into will ..... 2–72
Participation trusts ..... 2–192
Taxation of cestui's interest ..... 2–321
Tracing assets ..... 1–128
Validity of participation trusts .... 2–192

UNICAMERAL LEGISLATURE ..... 1–121

UNIQUE SERVICES
Statute of Frauds ..... 1–137

UNOFFICIALLY REPORTED CASE
Citation as authority ..... 1–135

VETO POWER
History of in Ohio ..... 2–99

WARRANTY
Privity of contract, implied food warranty ..... 2–180

WILLS
Incorporation by reference, amendable trust ..... 2–72
Power to designate attorney ..... 2–77

WORKMEN'S COMPENSATION
Exemption of award ..... 2–194
Home work as factor in scope .... 1–320
Hours of labor statute, non-legal trauma ..... 1–144
Immunity from common law suit .. 1–317
Independent contractor contrasted . 2–325
Legal trauma ..... 1–317
Occupational disease ..... 1–317